

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Richmond Division**

DARREL R. FISHER,

Petitioner,

v.

Civil Action No. 3:23cv470

UNKNOWN,

Respondent.

MEMORANDUM OPINION

Petitioner, a federal inmate proceeding *pro se*, submitted what appears to be a response to a letter to the Clerk of the United States Court of Appeals for the Fourth Circuit. Petitioner clearly attempted to file a habeas petition under 28 U.S.C. § 2241 and his filing was returned to him. (*See* ECF No. 1–2, at 33.) “Whenever a § 2241 habeas petitioner seeks to challenge his present physical custody within the United States, he should name his warden as respondent and file the petition in the district of confinement.” *Rumsfeld v. Padilla*, 542 U.S. 426, 447 (2004)). Petitioner is currently incarcerated in FMC Butner, in Butner, NC, and any § 2241 petition would be appropriately filed in the United States District Court for the Eastern District of North Carolina. Accordingly, by Memorandum Order entered on August 8, 2023, the Court directed Petitioner, within eleven (11) days of the date of entry thereof, to show cause why the present action should not be dismissed for lack of jurisdiction.

Petitioner has responded and claims that the August 8, 2023 Memorandum Order was “illegal, unconstitutional . . . [and if the Court] had read the petition, [the Court] would know I did note the Warden as sued here” and that he is filing here because “the ED of NC Federal Court is corrupt.” (ECF No. 3, at 1.) The remainder of the response has nothing to do with the

Court's order to show good cause. None of the reasons provided by Petitioner would permit this Court to entertain the § 2241 petition. Accordingly, the action will be DISMISSED WITHOUT PREJUDICE for lack of jurisdiction. Petitioner should pursue his § 2241 petition in the district of his confinement.

An appropriate Final Order shall accompany this Memorandum Opinion

Date: 9-1-2023
Richmond, Virginia



M. Hannah Lauck
United States District Judge